

### 3. Claim Objections

#### a. Examiner.

1. The examiner objected to claim 5 because it does not set forth the claim from which it depends.

2. The examiner objected to claims 5-7, 10 and 11 because the preamble of each of the cited claims does not properly refer to the entire invention.

#### b. Response.

1. Claim 5 has been amended to show that it depends from claim 1.

2. Claims 5-7, 10 and 11 have been amended so that the preamble refers to the entire invention.

### 4. Claim Rejections 35 USC 112

a. **Examiner.** The examiner rejected claims 1-12 as being indefinite. Specifically, the examiner cited:

(1) recitations such as “a plurality of devices” on line 8 of claim 1 because it is unclear if the devices are additional devices;

(2) recitations such as “a first ridge and a second ridge” on line 1 of claim 5 because it is unclear how all of the slats can comprise only two ridges;

(3) recitations such as “said plurality of top ends” on line 11 of claim 9 and “said plurality of screws” on line 12 because they lack antecedent basis.

#### b. Response.

(1) Claim 1 has been amended to recite a plurality of first securement devices and a

plurality of second securement devices.

(2) Claim 5 has been amended to recite “wherein each of said slats ...”

(3) Claim 9, line 11 has been amended to recite “wherein each of said top ends ...”

Claim 9, line 11 has been amended to recite “wherein each of said springs ...”

## 5. Claim Rejections. 35 USC 102

a. **Examiner.** The examiner rejected claims 1-5, 7,8,9, 11 and 12 as being anticipated by Alexanian et al. The examiner stated:

Alexanian et al. in figures 1-3, discloses a shutter 10 comprising a top 12, a plurality of slats 20 having a top end and a bottom end, a base slat support 14, a baseboard 16, a plurality of springs 46, a plurality of securement devices 44, a stiffener 18, a plurality of joints (not numbered, but shown between the elements such as the top 12 and the base board 16), wherein the plurality of top ends are affixed to the top 12 by a plurality of securement devices 44 and wherein the plurality of springs 46 are affixed between the plurality of bottom ends and the base slat support 14 by a plurality of securement devices 44.

### b. **Response.**

(1) Claim 1. The preamble of claim 1 has been amended to recite “A shutter for a semi-circular window having an arched wall.” Support for the amendment is found on page 7, lines 11-12. Claim 1 has been amended to recite “a top having a top rear, a rear edge and a top support affixed to said top rear.” Support for the amendment is found on page 6, line 13 and page 7, line 12. Claim 1 has been amended to recite “wherein an area of the top rear is adapted for covering a gap between said rear edge and said arched wall.” Support for the amendment is found on page 7, lines 11-13. Claim 1 has been amended to recite that the top ends are affixed to the “top support.” Support for the amendment is found on page 8, lines 7-9. Alexanian does not disclose a top having

a top support affixed to a top rear, or an area of the top rear adapted for covering a gap between the rear edge and an arched wall.

(2) Claim 2. Claim 2 has been amended to recite a base front “affixed to said base slat support and adapted for minimizing light leakage at the bottom ends of said slats.” Support for the amendment is found on page 7, lines 5-8. Alexanian does not disclose a base front adapted for minimizing light leakage at the bottom ends of the slats.

(3) Claim 3 has been amended to recite a base rear “affixed to said base slat support.” Support for the amendment is found on page 6, line 14. Alexanian does not disclose a base rear affixed to a base slat support.

(4) Claim 4 has been amended to recite a stiffener “placed between said base slat support and said baseboard so that the ends of said base slat support will go over the ends of said stiffener; and wherein, said stiffener prevents warping of said baseboard.” Support for the amendment is found on page 8, line 19 to page 9, line 2. Alexanian does not disclose a stiffener to prevent warping of the base board that is located within the ends of the base slat support. The part cited by the examiner (18) is a rail connected at its end to a stile by a suitable corner joint. (Col. 3, lines 34-37).

(5) Claim 5 has been amended to recite “wherein when said slats are in a closed position said first ridge of a slat will engage said second ridge of an adjacent slat.” Support for the amendment is found on page 8, lines 2-5. Alexanian does not disclose slat ridges that will interlock in a closed position.

(6) Claim 8 has been amended to recite “joints made from folded metal wherein said top rear is fixedly engaged to said top support by said joints.” Support for the amendment is found

on page 6, line 15. Alexanian does not disclose either joints made from folded metal, or a top rear fixedly engaged to a top support by such joints.

(7) Claim 9 has been amended to “a top having a top rear, a rear edge and a top support affixed to said top rear.” Support for the amendment is found on page 6, line 13 and page 7, line 12. Claim 9 has been further amended to recite “a split baseboard having a first baseboard section and a second baseboard section” and “wherein said stiffener and said base slat support fit between said first baseboard section and said second baseboard section.” Support for the amendment is found on page 10, lines 1-6. Alexanian does not disclose a split baseboard allowing insertion of a stiffener and a base slat support between a first baseboard section and a second baseboard section.

Claim 9 has been further amended to recite “each of said springs are affixed beneath said base slat support and engaged with said second securement devices so that upward force is exerted on said slats.” Support for the amendment is found on page 9, lines 9-20. Alexanian does not disclose springs affixed on the opposite side of the base slat support from the slats.

Claim 9 has been further amended to recite a base front “affixed to said base slat support” and a base rear affixed to said base slat support.” Support for the amendment is found on page 9, line 2-4. Alexanian does not disclose a base rear affixed to a base slat support.

(8) Claim 12 has been amended to recite joints “wherein said top rear is fixedly engaged to said top support by said joints.” Support for the amendment is found on page 6, lines 15-16. Alexanian does not disclose joints that engage a top support to a top rear.

## **6. Claim Rejections –35 USC 103**

a. **Examiner.** The examiner rejected claims 1-5, 7 and 8 as being unpatentable over Cleaver.

The examiner stated:

Cleaver et. al. discloses a shutter for a semi-circular window comprising a top 12 a plurality of slats 18 having a top end and a bottom end, a base slat support 14, a baseboard 13, a plurality of springs 26, a plurality of securement devices 21, a base front 16, a base rear (not numbered, but see column 2, lines 25-26), a stiffener 20, a first ridge and a second ridge (not numbered, but comprising the edges of the slats), screws (not shown, but see column 2, lines 37-39) and a plurality of joints 22, wherein the plurality of top ends are affixed to the top 12 by a plurality of securement devices 21 and wherein the bottom ends are affixed to the base slat support 14 by a plurality of securement devices 22. Cleaver et al. are silent concerning mounting springs between the plurality of bottom ends and the base slat support.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the springs between the plurality of bottom ends and the base slat support, since it has been held that a mere reversal of the essential working parts of a device involves no more than routine skill in the art. *In re Einstein*, 8 USPQ 167.

**b. Response.**

(1) Claim 1. The preamble of claim 1 has been amended to recite “A shutter for a semi-circular window having an arched wall.” Support for the amendment is found on page 7, lines 11-12. Claim 1 has been amended to recite “a top having a top rear, a rear edge and a top support affixed to said top rear.” Support for the amendment is found on page 6, line 13 and page 7, line 12. Claim 1 has been amended to recite “wherein an area of the top rear is adapted for covering a gap between said rear edge and said arched wall.” Support for the amendment is found on page 7, lines 11-13. Cleaver does not disclose a top support affixed to the top rear of a top; nor does Cleaver disclose an area of the top rear adapted for covering a gap between the rear edge of the top and an arched wall.

(2) Claim 2. Claim 2 has been amended to recite a base front “affixed to said base slat support and adapted for minimizing light leakage at the bottom ends of said slats.” Support for the amendment is found on page 7, lines 5-8. Cleaver discloses an arcuate outer surface 16;

however, Cleaver does not disclose attachment to a base slat support for minimizing light leakage at the bottom ends of the slats.

(3) Claim 3 has been amended to recite a base rear “affixed to said base slat support.” Support for the amendment is found on page 6, line 14. Applicant submits that claim 3 now depends from an allowable independent claim 1.

(4) Claim 4 has been amended to recite a stiffener “placed between said base slat support and said baseboard so that the ends of said base slat support will go over the ends of said stiffener; and wherein, said stiffener prevents warping of said baseboard.” Support for the amendment is found on page 8, line 19 to page 9, line 2. Cleaver discloses a “circular segment 20 of UHMW plastic ... mounted atop frame base 13 and secured to it by screws [that] ... serves as a hub for mounting the louvers....” (Col. 2, lines 37-40). Cleaver does not disclose a stiffener within the base slat support for preventing warping of the baseboard.

(5) Claim 5 has been amended to recite “wherein when said slats are in a closed position said first ridge of a slat will engage said second ridge of an adjacent slat.” Support for the amendment is found on page 8, lines 2-5. Cleaver discloses edges that will overlap and be parallel to each other in a closed position. Cleaver does not disclose an interlocking first ridge and second ridges in a closed position.

(6) Claim 8 has been amended to recite “made from folded metal wherein said top rear is fixedly engaged to said top support by said joints.” Support for the amendment is found on page 6, line 15. Cleaver does not disclose a top rear engaged to a top support by a joint made from folded metal.

(7) Claim 9 has been amended to “a top having a top rear, a rear edge and a top

support affixed to said top rear.” Support for the amendment is found on page 6, line 13 and page 7, line 12. Claim 9 has been further amended to recite “a split baseboard having a first baseboard section and a second baseboard section” and “wherein said stiffener and said base slat support fit between said first baseboard section and said second baseboard section.” Support for the amendment is found on page 10, lines 1-6. Cleaver does not disclose a split baseboard allowing insertion of a stiffener and a base slat support between a first baseboard section and a second baseboard section. The advantage of such construction is identified on page 10 of the specification: “Construction with a split baseboard allows an increase in the size of the surface area of top rear 48 and top front 42 (See Fig. 1) which increases the range of window arches to which one size of shutter 100 can be affixed.”

Claim 9 has been further amended to recite “each of said springs are affixed beneath said base slat support and engaged with said second securement devices so that upward force is exerted on said slats.” Support for the amendment is found on page 9, lines 9-20. Cleaver does not disclose positioning of the springs beneath the base slat support so that upward force is exerted on the slats.

Claim 9 has been further amended to recite a base front “affixed to said base slat support” and a base rear affixed to said base slat support.” Support for the amendment is found on page 9, line 2-4.

(8) Claim 12 has been amended to recite joints “made from folded metal wherein said top rear is fixedly engaged to said top support by said joints.” Support for the amendment is found on page 6, lines 15-16. Cleaver does not disclose the use of folded metal joints to affix a top rear to a top support.

c. **Examiner.** The examiner rejected claims 6 and 9-12 as being unpatentable over

Cleaver et al. as applied to claims 1-5, 7 and 8 above, and further in view of Alexanian et al. The examiner stated:

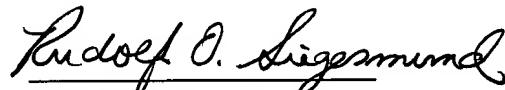
Alexanian et al disclose, in figure 2, the use of screws 42 to connect slats to a frame 14.

It would have been obvious to one of ordinary skill in the art to provide Cleaver et al. with screws, as taught by Alexanian et al. to more securely attach the slats to a frame.

d. **Response.** Applicant submits that Claims 1 and 9 are now allowable independent claims from which claims 6 and 10-12 depend.

For the foregoing reasons, the Applicant submits that the disclosed and claimed in the present application is not fairly taught by any of the references of record, taken either alone or in combination. Therefore, allowance of the present application is in order, and is requested.

Respectfully submitted



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